GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5868
ANSWERED ON:10.04.2017
Impact of Displacement on Tribalâ€™s Life
Karunakaran Shri P.;Rajesh Shri M. B.

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether displacement of tribals from their native places has a negative effect on their culture, rituals and societal behaviour patterns;

(b) if so, the details thereof along with the reaction of the Government thereto;

(c) whether the rehabilitation packages have not proved to be successful in this regard; and

(d) if so, the details thereof and the steps taken/being taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) and (b) : Land and its management fall under the exclusive legislative and administrative jurisdiction of States as provided under the Constitution of India [Seventh Schedule − List II (State List) − Entry No. (18)]. 'Ãcquisition and requisitioning of property' in in the Concurrent List (Entry No.42 of List III).

Land acquisition is undertaken by the Central and State Governments under various Central and State Acts, including the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013).

In so far as land related issues are concerned, the Ministry of Rural Development, Department of Land Resources (DoLR) is the nodal Ministry at the Centre, which plays a monitoring role in the field of rehabilitation and resettlement of displaced people. However, information on State/UT-wise rehabilitation and resettlement is not maintained centrally in DoLR.

(c) and (d) :- Special provisions for Scheduled Castes and Scheduled Tribes have been laid down in Sections 41 and 42 of the RFCTLARR Act, 2013 which inter alia stipulate that as far as possible, no land is to be acquired in the scheduled area except as last resort. In case acquisition or alienation of any land in the Scheduled Areas, the prior consent of Gram Sabha or the Panchayat or the Autonomous District Councils, at the appropriate level in the Scheduled Area in the Fifth Schedule to the Constitution, as the case may be, are required to be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency. Section 41(7) of the said Act very clearly stipulates that the affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

The Act also lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. National Monitoring Committee also reviews and monitors the implementation of R &R schemes and looks into issue related to displacement of people and timely payment of Compensation

Furthermore, Section 4(5) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006) provides that "Save as otherwise provided, no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete".

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